

AO 91 (Rev. 11/11) Criminal Complaint

**Sealed**

Public and unofficial staff access  
to this instrument are  
prohibited by court order.

UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

JUL 8 2015

David J. Bradley, Clerk of Court

United States of America

v.

Edwin IBE  
(aka Freddie Smith)

Case No.

**H15-961 M**

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 6, 2015 in the county of HARRIS in the  
SOUTHERN District of TEXAS, the defendant(s) violated:

*Code Section*

*Offense Description*

18 USC 641

THEFT OF GOVERNMENT PROPERTY (felony)

This criminal complaint is based on these facts:

SEE ATTACHMENT A, AFFIDAVIT OF PROBABLE CAUSE

☒ Continued on the attached sheet.



Complainant's signature

Special Agent Gary Dickens

Printed name and title

Sworn to before me and signed in my presence.

Date:

July 8, 2015

City and state:

HOUSTON, TEXAS



Judge's signature

Frances Stacy United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF TEXAS**

**HOUSTON DIVISION**

**AFFIDAVIT (ATTACHMENT A)**

I, Gary Dickens, upon being duly sworn, declare under penalty of perjury and say as follows:

1. Affiant, Special Agent Gary Dickens, has been employed by the Social Security Administration, Office of the Inspector General (SSA/OIG) since September 2000. Affiant is currently assigned to the SSA/OIG Field Office in Houston, Texas. Prior to that, Affiant served as a U.S. Border Patrol Agent. Affiant's current duties include investigating allegations of fraud within the programs administered by the Social Security Administration (SSA), which include the Social Security Disability Insurance Benefit (DIB) program. Affiant attended training in the areas of social security fraud, mail fraud, money laundering and various types of identity takeover schemes. Affiant is authorized to obtain and execute Federal Arrest and Search Warrants. The information set forth in this Affidavit is based upon your Affiant's personal knowledge and/or information provided to Affiant by other law enforcement agents and officers, witnesses and cooperating individuals the undersigned believes to be reliable and credible.

**OFFENSE**

2. As a result of my personal participation in this investigation, through interviews of witnesses and the review of government records, I believe there is probable cause that evidence of the following crimes by Edwin IBE will be found on the premises named herein, concerning the following federal offenses:

Theft of Public Money, a felony violation of 18 U.S.C. 641, which makes it a crime to embezzles or steal anything of a value of \$1000 or more from the United States or of any department or agency thereof.

**Probable Cause**

3. Based on the facts and information obtained during my investigation, Affiant believes there is evidence to support that Edwin IBE engaged in a scheme to defraud the Social Security Administration (SSA) by fraudulently obtaining a second Social Security Account Number (SSAN) for the purpose of receiving Social Security Disability Insurance Benefits (DIB) to which he was not entitled. The information set forth in this Affidavit is based upon your Affiant's personal knowledge and/or information provided to Affiant by other law enforcement agents and

officers, witnesses, and cooperating individuals the undersigned believes to be reliable and credible.

### **Social Security Disability Insurance Benefits (DIB)**

Social Security Disability Insurance Benefits (DIB) is a public assistance benefit provided by the United States which pays monthly benefits to individuals who suffer from a medical disability, and who have paid sufficient FICA taxes to be insured for the benefit. In order to receive DIB, a person must demonstrate that they are unable to work. DIB recipients are also required to, and in fact agree to, inform the SSA if they return to work.

### **Anonymous Complainant Information**

In November 2014, an anonymous complainant contacted the Social Security Administration (SSA-OIG) Fraud Hotline regarding Edwin IBE (IBE). The complainant alleged IBE used his true name and the alias of Freddie Mike Smith to fraudulently receive benefits from the Social Security Administration (SSA). The complainant submitted a 26 page document in support of the allegation, which included the identifiers for both identities (IBE and Freddie Smith), bank statements in both names, photos, addresses, employer data and vehicle information.

Preliminary review of the information identified Edwin IBE (SSAN XXX-XX-7735) and Freddie M. Smith (SSAN XXX-XX-6971) as Social Security benefit recipients.

### **SSAN Records**

Review of SSA records relating to the Social Security Account Numbers (SSANs) assigned to IBE and Freddie M. Smith disclosed the following information, in summary:

#### **Edwin IBE**

- The SSAN was assigned to Edwin IBE, DOB 7/25/1945, based on an application filed in January 1981. IBE presented a B-1 Visa and a Nigerian passport as identification. The SSAN card was mailed to an address in New Iberia, LA.
- Two (2) SSAN replacement cards were issued based on applications filed in 1983 and 2012. In the July 1983 application, IBE presented Louisiana Driver License No. 000082253 and had the SSAN card mailed to an address in Morgan City, LA. In the June 2012 application, IBE was documented as a Naturalized United States Citizen in the SSA database under Alien Registration No. A026437730.

#### **Freddie Smith**

- The SSAN was assigned to Freddie Mike Smith, DOB 6/26/1954, based on an application filed in August 1985. The application was completed at the SSA office in Houma, LA.

The applicant presented Texas Driver License No. 08178520 and a birth certificate from the Virgin Islands as proof of identification. The SSAN card was mailed to an address in Houma, LA. **Agent's Note:** Per the SSAN application, the birth certificate presented did not have a reference/serial number.

- No replacement SSAN cards have been issued.

### **SSA Benefit Records**

Review of SSA benefit records relative to the SSANs/identities of Edwin IBE and Freddie Smith disclosed the following information, in summary:

#### **Edwin IBE**

- In April 1992, Edwin IBE applied to receive Social Security Disability Insurance Benefits (DIB). The benefit claim was approved after it was determined that IBE was not working and that he suffered from a disability, which SSA classified as "disorders of the back."
- After being approved for benefits, SSA informed IBE of his reporting responsibilities as a DIB recipient, which included a requirement to report if/when he returned to work.
- Uninterrupted monthly benefit payments have been released from April 1993 to present.
- The current monthly benefit payment is \$896 and it is paid via direct deposit to Whitney Bank Account No. 35999520.
- The address of record is P.O. Box 57294, New Orleans, LA 70157.
- Pursuant to SSA's Paper Reduction Policy, the original paper claim folder has been destroyed.

#### **Freddie Smith**

- In March of 2010, an application for DIB was made using the Freddie Smith identity. The claim was approved after it was determined that the claimant was not working and that he suffered from a disability, which SSA classified as "disorders of the back."
- After being approved for benefits, SSA informed the claimant of his reporting responsibilities as a DIB recipient, which included a requirement to report if/when he returned to work.
- Uninterrupted monthly benefit payments have been released from December 2010 to present.
- The current monthly benefit payment is \$923 and it is paid via direct deposit to Bank of America Account No. 586020661053 .
- The address of record is P.O. Box 710224, Houston, TX 77271.

### **Internal Revenue Service (IRS) Income Records**

Review of shared IRS earnings records revealed the following information, in summary:

- Income was reported for Edwin IBE from 1981-1990. No income was reported for IBE from 1991-2010, while he was receiving DIB from the SSA.
- Income did not start being reported under the Freddie Smith SSAN until 1997, which is 12 years after the SSAN was originally issued (1985) and approximately four (4) years after Edwin IBE started receiving DIB (1993). No income was reported under the Freddie Smith SSAN after an application for DIB was filed in 2010.
- A comparison of the employers reporting income for IBE and Freddie Smith was made. There were no common employers associated with the names/SSANs; however, it was noted that the employers were all oil tool companies that specialized in offshore drilling.

### **Criminal History and Driver License Information**

During the course of this investigation, I obtained Louisiana driver license and criminal history data from Louisiana State Police Analyst Bridget Newman. Review of the information disclosed IBE currently possesses a Louisiana Driver License, LADL#000082253, which is registered to him at 10141 Curran Blvd. #204, New Orleans, LA 70127.

IBE also has a criminal history in the State of Louisiana, which is documented under LASID#0001242682 and FBI#248994DA6. IBE's criminal history includes arrests for violations of Receiving Stolen Property (1984), Driving While Intoxicated (1986 and 1989), and Forgery (1997). Dispositions for the aforementioned cases were not available via NCIC.

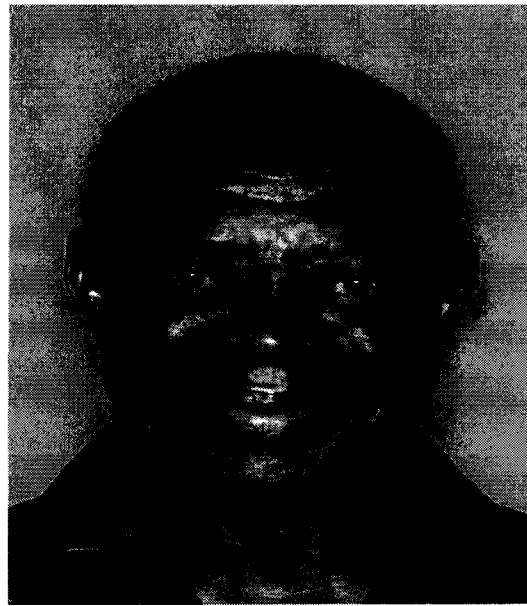
During the course of this investigation, the Texas Department of Public Safety (DPS) provided me with records and information relative to Texas Driver License No. 17703358, which is currently registered to Freddie Smith at 10600 S. Gessner Apt. #48, Houston, TX 77071.

I reviewed copies of the above noted Louisiana and Texas Driver Licenses and believe them to be the same person.

**LADL 000082253 - Edwin IBE**



**TXDL 17703358 – Freddie Smith**



#### **Immigration Records and DPS Crime Lab**

On 5/20/2015, I discussed the facts of this case with Deportation Officer Tameshwar Persad, U.S. Department of Homeland Security – Customs and Border Protection. Officer Persad confirmed that Edwin IBE, a native of Nigeria, became a Naturalized United States Citizen in 1991.

On 6/3/2015, Officer Persad provided me with a copy of a fingerprint card, which he obtained from the immigration file for Edwin IBE.

On 6/3/2015, I submitted a request to the Texas DPS Crime Lab to have them compare the thumbprints associated with the Texas Driver License held in the name of Freddie Smith, to the print card that Officer Persad obtained from Edwin IBE's immigration file.

On 6/18/2015, the DPS Crime Lab informed me that the thumbprints matched the print sample that I previously provided, confirming that Edwin IBE fraudulently obtained a Texas Driver License using the alias identifiers of Freddie Smith.

#### **Contact with Edwin IBE, a.k.a. Freddie Smith**

On 6/23/2015, SSA-OIG Special Agent Suzanne Guenin and I conducted a recorded interview (audio and video) with Edwin IBE at his residence, 10600 South Gessner #48, Houston, TX 77071. After identifying ourselves as SSA Field Representatives who needed to conduct a

benefit review with Freddie Smith, IBE identified himself as Freddie Smith and presented a Texas Driver License as proof of identification. IBE stated that he was born in the Virgin Islands but was unable to recall his parents' names when asked. He also signed SSA Form 795, "Statement of Claimant or Other Person," in which he falsely identified himself as Freddie Smith.

### SSA Loss Summary

On 6/23/2015, I discussed the facts of this case with SSA Claims Representative (CR) Marco Cabrera. In summary, CR Cabrera advised IBE received approximately **\$159,744** in SSA benefits to which he was not entitled from October 2000 – June 2014.

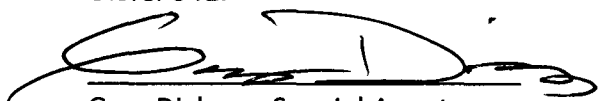
IBE failed to inform the SSA that he returned to work in 1997 using the name and SSAN of Freddie Smith. Consequently, SSA determined that IBE's benefits should have terminated in October 2010. IBE continued to receive benefits after this date, causing a loss of \$90,389.

SSA determined that all of the benefits IBE received using the Freddie Smith identity were received via fraud, causing a loss a loss totaling \$69,355.

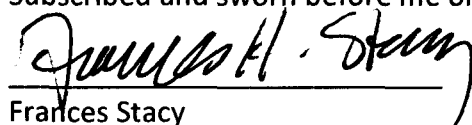
Based on the facts of this investigation, SSA suspended the benefits paid to IBE under his alias of Freddie Smith.

On 7/6/2015, CR Cabrera informed me that IBE visited the Southwest Houston SSA Office. IBE presented himself as Freddie Smith and inquired about why he did not receive his benefit payment on July 1, 2015. At my request, CR Cabrera did not disclose the ongoing investigation to IBE.

Based on the above fact affiant, Gary Dickens, has probable cause to believe that the defendant engaged in a scheme to steal over \$1000 in benefits from the United States in violation of 18 U.S.C. 641.

  
Gary Dickens, Special Agent  
Office of Inspector General-Investigations  
Social Security Administration

Subscribed and sworn before me on this the 8 day of July 2015 and I find probable cause.

  
Frances Stacy  
United States Magistrate Judge